HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY
WRIT PETITION No. 9347 OF 2007

BETWEEN:

D. Satya Kumar Yadav

.....**Petitioner**

And

The Commissioner,
Municipal Corporation of Hyderabad,
Tank Bund Road, Hyderabad and another

.....**Respondents**

:: O R D E R ::

Counsel for the petitioner : Dr. Muddu Vijay

Counsel for the respondents : Smt. Kalpana Ekbote

5th June, 2007

Per G.S. SINGHVI, CJ

This petition is directed against notice dated 8-3-2007 issued by Commissioner of the then Municipal Corporation of Hyderabad (now known as Greater Hyderabad Municipal Corporation) (for short, 'the Corporation') under Section 402 of the Hyderabad Municipal

Corporation Act, 1955.

We have heard Dr. Muddu Vijay, learned counsel for the petitioner and Smt. Kalpana Ekbote, learned Standing Counsel for the Corporation and perused the record.

Admittedly, the petitioner has filed detailed reply dated 12-3-2007 to controvert the allegation of encroachment of open space/public park contained in the notice under challenge, but final order has not been passed so far. Therefore, we feel that ends of justice will be met by directing the competent authority of the Corporation to pass appropriate order on the representation of the petitioner with liberty to the latter to avail appropriate legal remedy, in case the final order is adverse to his interest.

Hence, the writ petition is disposed of with the following directions:

1) Within one month from today, the competent authority of the Corporation shall, after considering representation dated 12-3-2007 submitted by the petitioner pass appropriate order in the matter of removal of the alleged encroachment made by him in the open space/public park. It is expected that the concerned authority will record reasons howsoever briefly in support of its order and communicate the same to the petitioner.

2) If the petitioner feels aggrieved by the order to be passed hereinafter, then he shall be free to avail appropriate legal remedy. Till the passing of appropriate order by the competent authority and for next seven days, the parties shall maintain status quo as it is obtaining today.

As a sequel to disposal of the writ petition, WPMP No. 11932 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

5th June, 2007

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